



**BEFORE THE BOARD OF PATENT
APPEALS AND INTERFERENCES**

Application No. 10/804,458
Filed: 19 March 2004
Applicant: WOOD, Michael Tate
Art Unit: 3728
Examiner: John G. Pickett
Title: SIDE-OPEN GUN CASE

APPELLANT'S REPLY BRIEF

Mail Stop Mail Stop Appeal
Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sirs:

In response to the Examiner's Answer dated 23 June 2009, Appellant herewith submits its Reply Brief. Please charge the requisite fee under 37 C.F.R. 41.20(b)(2) of \$270.00 and any missing or insufficient fees to our Deposit Account No. 50-3391. The Status of Claims and Grounds of Rejection To Be Reviewed On Appeal are as set forth in Appellant's Appeal Brief.

ARGUMENT

1st: The Examiner clearly erred in rejecting Claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Bennett (US 2003/0106819 A1; in view of Jones et al. (US 6,256,922).

According to the Examiner in his Answer, Bennett “discloses all limitations claimed by the applicant except for the fabric outer shell and the sidelong access opening.” This is not correct. Applicant’s invention is a long gun case that fully encloses and securely bears the weight of the gun, and yet which can be *completely opened and completely inverted* for easy access and drying [page 1, para. 007 and FIGS. 1, 2 and 3]. For full inversion the first flap 8 opening conjoins the second flap 9 opening, so that when both flaps are pulled back the gun case is fully open along the corresponding major side and end, and can be completely inverted and hung over a line for quick and convenient cleaning and/or drying out. [page 2, para. 20] All pending claims 1-6 specifically require the gun case to be “open along a majority of another side and end and defining conjoined sidelong and end access openings”. Contrary to the Examiner’s view, Bennett does not disclose this claim limitation. The Examiner points to Jones FIG. 7 citing that the “end flap 110 and flap 100 are not separated by any structures and therefore constitute a conjoined end and side opening.” However, FIG. 7 is a merely *broken-away side elevation view of the lower portion of the inside* of Jones’ firearm casing. The Examiner incorrectly infers from a partial cut-away view that the end flap 110 opening and side flap 100 opening are conjoined, whereas in the full views of Jones’ device (Figs. 1 and 2) they are not. Fastening means 160 on flap 110 are attached to mating fastening means 160 on the opposite side of the firearm casing 10, which opposite side is not even shown in FIG. 7. Nowhere does Jones teach or suggest an “elongate enclosure permanently closed along one side and said end, and *open along a majority of another side and end and defining conjoined sidelong and end access openings*, a first foldover

flap movable between an open position and a closed position releasably secured over said end access opening to prevent access to the fabric enclosure, and a second continuous foldover flap movable between an open position and a closed position releasably secured over said sidelong access opening to prevent access to the fabric enclosure.” In making an ill-founded presumption based on a partial view the Examiner ignores the requirement that "obviousness requires a suggestion of all limitations in a claim." CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing In re Royka, 490 F.2d 981, 985 (CCPA 1974)).

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For the reasons set forth herein and in Appellant’s Appeal Brief, it is believed that the Examiner erred and that this application clearly and patentably distinguishes over the prior art and the Examiner’s prima facie rejections are traversed. Reversal is respectfully requested.

Respectfully submitted,

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